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THE ANDHRA PRADESH GAZETTE

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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD,
VIJAYAWADA.**

Y.S.R. KADAPA DISTRICT - SIDDAVATAM (V & M) - FATHU MIAN MASJID -
Sri SYED ABDUL AZEEZ S/O SYED LAI MIAH - RECOGNIZED AS
MUTAWALLI U/SEC.42 OF THE WAQF ACT, 1995.

Read : 1) Report of the Enquiry Officer, Dated: 11-05-2018.
2) This Office proceedings even No. Dated: 14-11-2018.
3) Application received from Sri Syed Abdul Azeez S/o Syed Lal Miah,
R/o, Siddavatam (V & M), YSR Kadapa District, Dated: 07-01-2019.
4) Orders of the Hon'ble Chairperson, APSWB, Dated: 01-02-2019.
5) Board's Resolution No.23/2019, Dated: 02-02-2019.
6) Orders of the Hon'ble Chairperson, APSWB, Dated: 07-02-2019.

F.No.19/M/KAD/2015/Z-IV,- The Waqf institution namely Fathu Mian Masjid situated at Siddavatam (V & M), Y.S.R Kadapa District and its attached property in Sy. No.81 dry to an extent of Ac.6.05 cents, under TD.No. 1915 of Siddavatam Village is a notified Waqf and published in A.P Gazette No. 13, Part-II, Dated: 26-03-1964 at serial No. 258 and the said notified Mutawalli Sri Syed Peer Pasha, died long back.

In the ref. 1st read above, the Enquiry Officer in his report Dated: 11-05-2018 in last page mentioned that in the case of Sri Syed Abdul Azeez, the objection raised by Sri Syed Mahboob Basha have been gone through. There is no specific instance which holds merit against the applicant except that he was a plaintiff in O.S No. 35/2002 in Junior Civil Judge Court, Siddavatam for partition suit for Sy. No 79 to an extent of Ac.0-82 cents and Sy.No 81 measuring Ac. 6-05 Cents, among the family members. The Junior Civil Judge, Siddavatam issued orders on 31-10-2001 for partition of Ac. 0.82 cents and claim in respects of Sy. No. 81, measuring Ac.6-50 cents is not passed being Waqf property.

Finally, the Enquiry Officer has submitted that the choice of Muthawalli is an executive decision in the domain of the Waqf Board and therefore requested to take appropriate action in the mater.

In the ref 2nd read above, considering all these facts enumerated in enquiry report, the Board appointed the applicant as Muthawalli for Fathu Mian Mosque, situated at Siddiavatam (V & M), Under Section 63 of Waqf Act, 1995 for a period of (2) years vide proceedings Dt: 14-11-2018 for managing the affairs of subject Waqf institution and a W.P. No. 15452/2017 is pending before the Hon'ble High Court against Sri Syed Abdul Azeez and (3) others.

In the ref. 3rd read above, he has requested to recognize him as muthawalli U/Sec 42 of Waqf Act, 1995 for Fathu Mian Mosque situated at Siddavatam (V & M), YSR Kadapa District, and he himself filed a W.P No. 28091/2015 which is also pending at Hon'ble High Court

In the ref 4th read above, the matter placed before the Hon'ble Chairperson, APSWB, who after carefully examination and passed orders matter placed before the Board meeting on 02-02-2019 for consideration of application Dated: 07-01-2019.

Accordingly, the said matter was placed before the Board meeting held on 02-02-2019 and the Board has passed a resolution in the ref 5th read above, "It is unanimously resolved and recognized Sri Syed Abdul Azeez S/o Syed Lal Miah as Muthawalli U/Sec. 42 of Waqf Act, 1995 for the subject Waqf Institution for managing the affairs of subject Waqf institution by following Waqf Act. 1995 and Waqf Rules.

Accordingly, Sri Syed Abdul Azeez S/o. Syed Lal Miah is hereby recognized as Mutawalli U/sec 42 of Waqf Act. 1995 for the subject Waqf Institution for managing the affairs of subject Waqf institution by following Waqf Act, 1995 and Waqf Rules.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time. He should submit the Accounts, Budget Income & Expenditure statements and pay Waqf fund properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board.
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) Shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural land. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not be entitled to expend the Monies of Waqf exceeding 10% of the Net annual Income.

As per Sec. 101 (2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code" As such, for the illegal act if any, every member of the committee will be liable for penal action. The Mutawalli shall also note that Sec.3 (ee) defined encroacher. Sec. 52-A explains rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The APSWB reserves its right to modify / cancel / alter / withhold the order at any time without assigning any reasons thereof.

Dated: 11-02-2019.

SHAIK AHAMMED,
Chief Executive Officer,
Andhra Pradesh State Waqf Board,
Vijayawada.

To

Sri Syed Abdul Azeez, S/o Syed Lal Miah, Fathu Mian Masjid, Siddavatam (V & M),
YSR Kadapa District (Through I.A.Waqf, YSR Kadapa District.)